

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

STEPHEN ELLIOTT,

Plaintiff,

- against -

MOIRA DONEGAN, and JANE DOES (1-30),

Defendants.

Oral Argument Requested

No. 1:18-cv-05680-LDH-SJB

**NOTICE OF DEFENDANT MOIRA DONEGAN'S MOTION FOR TARGETED
SUMMARY JUDGMENT BASED ON IMMUNITY UNDER THE COMMUNICATIONS
DECENCY ACT, 47 U.S.C. § 230**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendant Moira Donegan's Motion for Targeted Summary Judgment, the Rule 56.1 Statement of Uncontested Facts, the Declaration of Joshua Matz dated March 22, 2021 and corresponding exhibits, and all other papers and proceedings herein, Defendant Moira Donegan, by and through her counsel, will move this Court, before the Honorable LaShann DeArcy Hall, United States District Judge, United States Courthouse, 225 Cadman Plaza East, Brooklyn, New York 11201, at a date and time to be determined by the Court, for an Order, pursuant to Rule 56 of the Federal Rules of Civil Procedure, granting summary judgment on the issue of Ms. Donegan's immunity under the Communications Decency Act, 47 U.S.C. § 230, and dismissing the Second Amended Complaint (ECF 37) in its entirety.

PLEASE TAKE FURTHER NOTICE that pursuant to the Court's Scheduling Order dated April 27, 2021, opposition papers were served on Defendant's counsel on May 7, 2021, and reply papers were served on Plaintiff's counsel on May 21, 2021. Pursuant to the Confidentiality Order

in this case, *see* ECF 74-1(f), and in recognition of the fact that the briefing on this motion is shot through from start to finish with confidential material (making targeted redactions impractical), Defendants shall file the entirety of the briefing on this motion under seal. Of course, if the Court so prefers, Defendants are prepared to publicly file the briefing on this motion with redactions.

Dated: May 21, 2021

Respectfully submitted,

/s/ Joshua Matz

Roberta A. Kaplan
Joshua Matz
Raymond P. Tolentino
KAPLAN HECKER & FINK LLP
350 Fifth Avenue, Suite 7110
New York, New York 10118
(212) 763-0883
rkaplan@kaplanhecker.com
jmatz@kaplanhecker.com
rtolentino@kaplanhecker.com

Attorneys for Defendant Moira Donegan